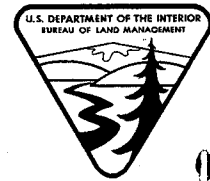




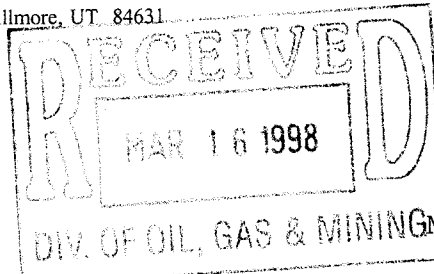
# United States Department of the Interior

BUREAU OF LAND MANAGEMENT  
HOUSE RANGE/WARM SPRINGS RESOURCE AREA

35 East 500 North  
Fillmore, UT 84631



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IN REPLY REFER TO:  
3800  
(U-054)  
UTU-075862

March 13, 1998

CERTIFIED MAIL # Z 432 442 566  
RETURN RECEIPT REQUESTED

## DECISION

HOWARD BACHMAN	:	43 CFR §3809
411 BASALM ST	:	SURFACE MANAGEMENT
LAKEWOOD CO 80226	:	NOTICE OF NONCOMPLIANCE

### Notice for Failure to Submit a Notice.

You were informed by certified letter dated July 15, 1996 that you had to submit a notice for your operations on the Mile High mining claim near Pismire Wash. You received this letter on July 19, 1996, telephoned this office on July 25, 1996, and spoke to Larry Garahana. He explained to you the reasons a notice was required. You agreed to send in the notice, but we have never received it.

A field compliance inspection of your operation was conducted on March 11, 1998. This inspection indicated that no reclamation has taken place since you were contacted in 1996. There are also two old cable spools and some other debris on site. The size and extent of your operations are such that the disturbance is not negligible and thus a notice under the regulations at 43 CFR 3809.1-3(a) is required.

You are in Noncompliance with the following regulations:

1. 43 CFR 3809.1-3(a) - All operators on project areas whose operations, including access across Federal lands to the project area, cause a cumulative surface disturbance of 5 acres or less during any calendar year shall notify the authorized officer ...
2. 43 CFR 3809.1-9(a)(1) - No operator or claimant shall [i]nitiate operations under a notice without providing the authorized officer certification of the existence of the appropriate financial guarantee as required by paragraph (c) through (f) of this section.

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To correct this situation, you must take the following action within 30 days of the receipt of this Notice of Noncompliance:

1. Submit a notice and financial guarantee; and
2. Clean up the trash and other debris at the site of your operation;

OR

3. Commence immediate reclamation of your operation with the reclamation and cleanup to be completed no later than 45 days after the receipt of this Notice of Noncompliance. Reclamation shall include:

- a) Backfilling the pit;
- b) Removing all trash and debris
- c) Scarifying and seeding the road leading to the site.

A form for the notice, financial guarantee, and third party engineer's certification of the amount for the financial guarantee are enclosed. Please note that the use of these forms is optional; you may use any format desired as long as the information required by the regulations is included. A copy of the instructions for completing the financial guarantee form, and a reclamation cost estimation summary sheet that should inform you of some of the items needed to be covered in your cost estimate have also been enclosed.

Failure to complete the above steps will result in the establishment of a record of noncompliance. If a record of noncompliance is established, section 3809.1-9 of the regulations requires that a plan of operations must be submitted within 30 days for all existing and subsequent operations that would otherwise be conducted pursuant to a notice (3809.1-3). In addition, you will have 90 days to post with the Utah State Office a financial guarantee (bond) for all existing disturbances for which you are responsible. Failure to timely submit the financial guarantee will result in withdrawal of approval of all existing mining activity. Continuation of mining activity, without submission of a notice and of the required financial guarantee, may result in fines, imprisonment or both.

In accordance with 43 CFR 3809.4, you have the right to appeal this decision to the Utah State Director, Bureau of Land Management. If you exercise this right, your appeal, accompanied by a statement of reasons and any arguments you wish to present, which would justify reversal or modification of the decision, must be filed in writing at this office within 30 days after the date of this decision. This decision will remain in effect during appeal unless a written request for a stay is granted.

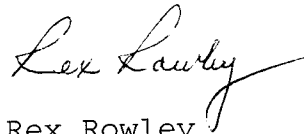


The statement of reasons should contain the following information:

1. The name and mailing address of the appellant,
2. (If applicable,) the name and serial numbers of any mining claims which are the subject to the appeal, and
3. A statement of reasons for the appeal and any arguments you wish to present, which would justify reversal or modification to the decision.

If you have any questions regarding this notice of noncompliance please call Ron Teseneer at 435-743-3126.

Sincerely,



Rex Rowley  
Area Manager

5 Enclosures

- 1 - Notice or Plan of Operations Form (2 p.)
- 2 - Certification of Financial Guarantee Form (2 p.)
- 3 - Third Party Professional Engineer's Review (1 p.)
- 4 - Reclamation Cost Estimation Summary Sheet for Notice Level Operations (2 p.)
- 5 - Directions to Complete Sample Certification of Financial Guarantee

bcc: D. Wayne Hedberg, UDOGM